



U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE

I. ADMINISTRATIVE INFORMATION

Completion Date of Approved Jurisdictional Determination (AJD): April 23, 2021

ORM Number: MVP-2018-02226-EJW

Associated JDs: MVP-2018-02226-MMJ 20200618 AJD

Review Area Location¹:

State/Territory: MN **City:** Monticello **County/Parish/Borough:** Wright County

Center Coordinates of Review Area: Latitude 45.271984 Longitude -93.789254

II. FINDINGS

A. Summary: Check all that apply. At least one box from the following list **MUST** be selected. Complete the corresponding sections/tables and summarize data sources.

- ☐ The review area is comprised entirely of dry land (i.e., there are no waters or water features, including wetlands, of any kind in the entire review area). Rationale: N/A or describe rationale.
- ☐ There are "navigable waters of the United States" within Rivers and Harbors Act jurisdiction within the review area (complete table in section II.B).
- ☐ There are "waters of the United States" within Clean Water Act jurisdiction within the review area (complete appropriate tables in section II.C).
- ☒ There are waters or water features excluded from Clean Water Act jurisdiction within the review area (complete table in section II.D).

B. Rivers and Harbors Act of 1899 Section 10 (§ 10)²

§ 10 Name	§ 10 Size	§ 10 Criteria	Rationale for § 10 Determination
N/A	N/A	N/A	N/A

C. Clean Water Act Section 404

Territorial Seas and Traditional Navigable Waters ((a)(1) waters)³

(a)(1) Name	(a)(1) Size	(a)(1) Criteria	Rationale for (a)(1) Determination
N/A	N/A	N/A	N/A

Tributaries ((a)(2) waters):

(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination
N/A	N/A	N/A	N/A

Lakes and ponds, and impoundments of jurisdictional waters ((a)(3) waters):

(a)(3) Name	(a)(3) Size	(a)(3) Criteria	Rationale for (a)(3) Determination
N/A	N/A	N/A	N/A

Adjacent wetlands ((a)(4) waters):

(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
N/A	N/A	N/A	N/A

¹ Map(s)/Figure(s) are attached to the AJD provided to the requestor.

² If the navigable water is not subject to the ebb and flow of the tide or included on the District's list of Rivers and Harbors Act Section 10 navigable waters list, do NOT use this document to make the determination. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Rivers and Harbors Act Section 10 navigability determination.

³ A stand-alone TNW determination is completed independently of a request for an AJD. A stand-alone TNW determination is conducted for a specific segment of river or stream or other type of waterbody, such as a lake, where independent upstream or downstream limits or lake borders are established. A stand-alone TNW determination should be completed following applicable guidance and should NOT be documented on the AJD form.

⁴ Some excluded waters, such as (b)(2) and (b)(4), may not be specifically identified on the AJD form unless a requestor specifically asks a Corps district to do so. Corps Districts may, in case-by-case instances, choose to identify some or all of these waters within the review area.

⁵ Because of the broad nature of the (b)(1) exclusion and in an effort to collect data on specific types of waters that would be covered by the (b)(1) exclusion, four sub-categories of (b)(1) exclusions were administratively created for the purposes of the AJD Form. These four sub-categories are not new exclusions, but are simply administrative distinctions and remain (b)(1) exclusions as defined by the NWPR.



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D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Wetland_10	0.4 acres	(b)(1) Non-adjacent wetland	The nearest (a)(1)-(a)(3) waters are Pelican Lake, 1.37 miles south of the review area and the Mississippi River, approximately 1.64 miles north of the AJD review area. The boundaries in the delineation report confirm that Wetland_7, Wetland_10, and Wetland_11 have no surface water connection to Pelican Lake or the Mississippi River and that they are entirely surrounded by uplands. Wetland_3, Wetland_5, Wetland_6, and Wetland_9 continue offsite, but a review of aerial imagery finds that they have no surface connection to any waters of the US (WOUS). Therefore Wetland_3, Wetland_5, Wetland_6, Wetland_7, Wetland_9, Wetland_10, and Wetland_11 fit the definition of Non-adjacent wetlands under the NWPR and are not jurisdictional waters of the US (WOUS).
Wetland_11	0.68 acres	(b)(1) Non-adjacent wetland	
Wetland_3	0.05 acres	(b)(1) Non-adjacent wetland	
Wetland_5	14.21 acres	(b)(1) Non-adjacent wetland	
Wetland_6	0.06 acres	(b)(1) Non-adjacent wetland	
Wetland_7	1.77 acres	(b)(1) Non-adjacent wetland	
Wetland_9	0.2 acres	(b)(1) Non-adjacent wetland	

III. SUPPORTING INFORMATION

A. Select/enter all resources that were used to aid in this determination and attach data/maps to this document and/or references/citations in the administrative record, as appropriate.

- ☒ Information submitted by, or on behalf of, the applicant/consultant: Haven Ridge Site Wetland Delineation Report by Kjolhaug Environmental Services Company, Inc. (July 30, 2018)
This information (is and is not) sufficient for purposes of this AJD.
Rationale: Aerial imagery was used to determine if Wetland_3, Wetland_5, Wetland_6, and Wetland_9 had a surface connection to any WOUS offsite.
- ☐ Data sheets prepared by the Corps: *Title(s) and/or date(s)*.
- ☒ Photographs: (aerial) Google Earth 1991-2021
- ☐ Corps Site visit(s) conducted on: *Date(s)*.
- ☒ Previous Jurisdictional Determinations (AJDs or PJDs): MVP-2018-02226-MMJ 20200618 AJD
- ☐ Antecedent Precipitation Tool: provide detailed discussion in Section III.B.
- ☐ USDA NRCS Soil Survey: *Title(s) and/or date(s)*.
- ☐ USFWS NWI maps: *Title(s) and/or date(s)*.
- ☐ USGS topographic maps: *Title(s) and/or date(s)*.

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	N/A.
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.

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State/Local/Tribal Sources	N/A.
Other Sources	N/A.

B. Typical year assessment(s): N/A

C. Additional comments to support AJD: N/A

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